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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,421	07/18/2003	Keith Adams		1420

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EXAMINER
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SWENSON, BRIAN L

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/604,421

Applicant(s)

ADAMS, KEITH

Examiner

Brian Swenson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as being informal and acceptable for examination only. Formal drawings are required at the time of issue. In particular the drawings should be labeled as Figure 1, Figure 2, etc. The label "Elevation View, View is component placement only" found on drawing sheet 1 should be removed. The label "Reverse Hybrid Module Connectivity and Flow Diagram" found on drawing sheet 2 should be removed. Figure 1 contains lines which are not uniformly thick and clear, in accord with 37 CFR 1.84(m,p). See cited patents for further examples.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "quick-connects to the automobile" claimed in claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because: "DC electric motors that are derived their" should be changed to –DC electric motors that derived their– found on line 4 of the abstract. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: "WE cannot legislate people to buy small fuel-efficient cars. They need to see that will fit 'their' needs." found in the last two lines of page 1 and the first line of page 2 should be removed. The specification should not refer to the purported merits or speculative application of the invention.

Appropriate correction is required.

The specification does not provide support and describe the claimed invention to enable one having ordinary skill in the art to make or use the invention. There is no teaching support for how the instant invention, "will get over 100 miles per gallon" have "a range of 500 miles on a 5 gallon tank of fuel".

The Detailed Description of the Invention: section as outlined in MPEP § 608.01(g) should set forth: a description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is

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necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

See also attached U.S. Patent No. U.S. Patent No. 6,830,117 issued to Chernoff et al. for an example of the preferred format. See also the independent inventor website as a further resource: <http://www.uspto.gov/web/offices/com/iip/index.htm>

### ***Claim Objections***

5. Claims 1 and 2 are objected to because of the following informalities:
  - a. The word "The" on line 1 of claim 1 should be changed to –A–.
  - b. Claims 2 is objected to because it contains multiple sentences, claims are required to be a single sentence.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not positively describe the features of the invention including showing or describing, "the reverse hybrid automobile will get over 100 miles per gallon, will have a maximum speed of 80 mile[s] per hour, a range of 500 miles on a 5 gallon tank of fuel". The specification must positively enable the claimed invention. The claims should not state purportedly performance statistics.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 2 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

Claim 1 recites the limitation "The Reverse Hybrid Automobile" in line 1. Claim 2 recites the limitation "The Electric Generating Unit" in line 3. There is insufficient antecedent basis for these limitations in the claims

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 2, as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,830,117 issued to Chernoff et al.

Chernoff et al. teaches of a hybrid vehicle, with a modular assembly, that allows components to be connected and swapped by connectors (93 and 89).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,318,449 issued to Salisbury.

Salisbury, in Figures 1-3 and respective portions of the specification discloses the claimed invention including a hybrid drive train (Figure 1) capable a 100 miles per gallon (see abstract) mileage. Salisbury does not state if the maximum speed is at least 80 miles per hour. It would have been obvious to one having ordinary skill in the art at

the time of invention to provide the vehicle with a maximum speed of 80 miles per hour to provide the advantage of allowing the vehicle to travel up to the maximum posted speed limit.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,301,765 issued to Swanson teaches of a battery pack installation.

U.S. Patent No. 6,059,058 issued to Dower teaches of a modular vehicle construction.

U.S. Patent No. 3,799,284 issued to Hender teaches of a hybrid vehicle with an internal combustion engine (90), first motor (12), second motor (14) and generator (90).


U.S. Patent No. 4,354,144 issued to McCarthy teaches of an engine (50) with two motors (62,64).

U.S. Patent No. 6,732,827 issued to San Miguel teaches of a vehicle structure.

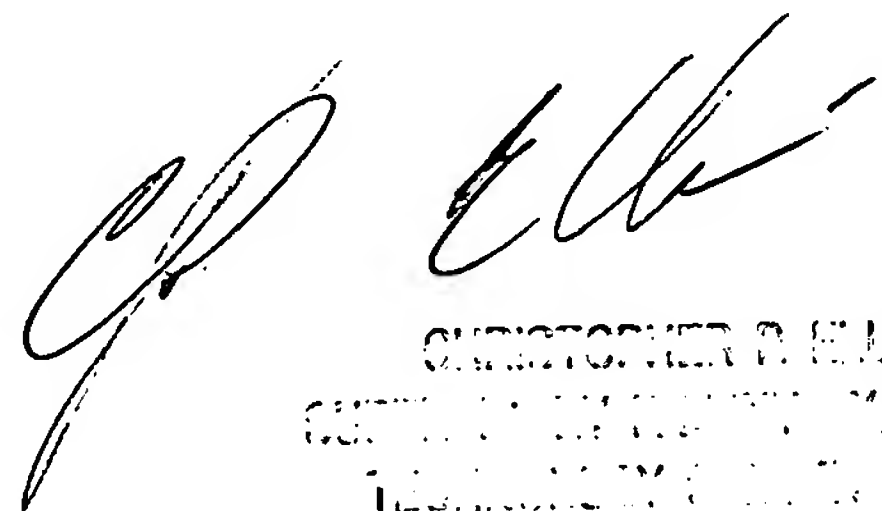
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (703) 305-8163. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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bls

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